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November 21, 2016

**VIA ELECTRONIC CASE FILING**

The Honorable A. Kathleen Tomlinson  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: **Thornburn v. Door Pro America, Inc.**  
**Case No.: 16-cv-03839 (DRH) (AKT)**

Your Honor:

This firm is counsel to Plaintiff in the above-referenced matter. We provide the following response in opposition to Mr. Chong's letter dated November 18, 2016 [See ECF Doc. No. 33]. Preliminarily, despite his assertion otherwise, Mr. Chong has made no attempt to confer with me *via* telephone. We have exchanged emails (See attached) wherein a request that he call me was repeatedly made, to no avail.

As the attached email chain indicates, the initial basis for Mr. Chong's unavailability was:

From: Jeanne Park <[jpark@mkclawgroup.com](mailto:jpark@mkclawgroup.com)>  
Date: 11/14/16 11:54 AM (GMT-05:00)  
To: "Saul D. Zabell" <[szabell@laborlawsny.com](mailto:szabell@laborlawsny.com)>  
Cc: Michael Chong <[mkchong@mkclawgroup.com](mailto:mkchong@mkclawgroup.com)>, Sophia Im <[si@mkclawgroup.com](mailto:si@mkclawgroup.com)>  
Subject: Thornburn v. Door Pro America, Inc. [Request for Adjournment]  
Dear Mr. Zabell,

As you are aware, the court has scheduled a status conference on 11/30/2016 at 3:00pm before Judge Tomlinson. However, Mr. Chong will not be available to appear that date due to several time-conflicting matters.<sup>1</sup>

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<sup>1</sup> Highlighting added to call attention to actual representations.



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When pressed for the specifics of his "several time-conflicting matters", Mr. Chong advised that he:

From: [mkchong@mkclawgroup.com](mailto:mkchong@mkclawgroup.com)  
Date: 11/14/16 12:45 PM (GMT-05:00)  
To: "Saul D. Zabell" <[szabell@laborlawsny.com](mailto:szabell@laborlawsny.com)>  
Cc: Jeanne Park <[jpark@mkclawgroup.com](mailto:jpark@mkclawgroup.com)>, Sophia Im <[si@mkclawgroup.com](mailto:si@mkclawgroup.com)>, "Janine L. Kapp" <[jkapp@laborlawsny.com](mailto:jkapp@laborlawsny.com)>  
Subject: Re: Thornburn v. Door Pro America, Inc. [Request for Adjournment]  
I have depositions scheduled.

Three days later, Mr. Chong changed the purported basis for his request to adjourn based upon the following:

To: Janine L. Kapp <[jkapp@laborlawsny.com](mailto:jkapp@laborlawsny.com)>  
Cc: Michael Chong <[mkchong@mkclawgroup.com](mailto:mkchong@mkclawgroup.com)>; Sophia Im <[si@mkclawgroup.com](mailto:si@mkclawgroup.com)>  
Subject: Re: Thornburn v. Door Pro America, Inc. [Request for Adjournment]  
Dear Counsel,  
Mr. Chong is willing to file a request for adjournment to your proposed date, December 21. He has court conferences scheduled on November 30.

Given Mr. Chong's refusal to provide the specific basis for his requests, his subsequent change of the general basis for the requests ("several time conflicting matters", depositions scheduled, and now "Court conferences scheduled"), we ask that Mr. Chong provide the actual case names for which he was ordered to appear before Judges Levy and Caproni as well as the orders setting those conferences. The disclosure of this information will allow both myself and the court the opportunity to determine if the representations regarding the conferences are accurate, as well as whether those conferences were scheduled before the conference scheduled by Your Honor.

Had Mr. Chong called us, he would have been asked for this information as we have asked *via* email.

We thank the Court for its consideration of this application and remain available should Your Honor require additional information in connection with this submission.

Respectfully submitted,

**ZABELL & ASSOCIATES, P.C.**

Saul D. Zabell

cc: Client  
Michael K. Chong, Esq. (*via* Electronic Case Filing)